

STATEMENT OF PURPOSE

RS21690C1

The purpose of the legislation is to clarify the circumstances in which juveniles are appointed counsel at public expense and to limit the circumstances in which juveniles may waive their right to counsel. The right to counsel would attach for a juvenile in any instance he is detained by a law enforcement officer or is under formal charge of having committed, or has been adjudicated for commission of, an act, omission, or status which brings him under the purview of the Juvenile Corrections Act. Juveniles would only be allowed to waive their right to counsel if they are charged with certain, non-serious offenses.

The legislation would also limit the use of information provided by a juvenile in pre-adjudication diversion proceedings so as to balance the Fifth Amendment privilege against self-incrimination and Sixth Amendment right to counsel of the juvenile with the government's interest in facilitating informal disposition of juvenile proceedings.

FISCAL NOTE

The proposed legislation would have no impact on the state general fund. The impact on counties cannot be precisely calculated. Because the current statute does not provide uniform standards for waiver, the net impact on the number of waivers allowed cannot be predicted.

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